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C O N F I D E N T I A L SECTION 01 OF 05 COLOMBO 001716

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STATE FOR SA/INS  
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TAGS: [PGOV](#) [PHUM](#) [EAID](#) [MV](#)

SUBJECT: MALDIVIAN DEMOCRATIC REFORMS: PROGRESS PLODDING  
BUT POSITIVE

REF: A. COLOMBO 1680

[B](#). COLOMBO 1669

[C](#). COLOMBO 1530

Classified By: AMBASSADOR JEFFREY J. LUNSTEAD. REASON: 1.4 (B,D).

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SUMMARY  
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[1](#)1. (C) During a September 25-27 visit to Maldives as part of the first US-Maldives Friendship Week (septel), Ambassador met Government of Republic of Maldives (GORM) representatives, including President Maumoon Abdul Gayoom, and opposition Maldivian Democratic Party (MDP) leaders to discuss the aftermath of the August 12-14 unrest in Male' and its impact on democratic reform. Interlocutors' assessments of the reform effort varied predictably, with GORM leaders, including Gayoom, asserting an overall positive trend, despite some bumps along the way, and MDP activists accusing the President of only pretending to reform to placate the international community. We believe the truth lies somewhere in between: Gayoom recognizes the need for reform--whether he genuinely wants it or not--but wants to control the pace and scope more rigidly than the MDP and others might wish. International engagement with the GORM, especially in the form of democracy-building activities, seems the best way to ensure steady, if not rapid, progress. The Ambassador, stressing the widespread popular desire for change, noted that reform, while difficult, is necessary. How and when these reforms take place is up to Maldivians to decide, he emphasized; all parties should work together to find a satisfactory compromise. He underscored the need for due process in the upcoming trials of MDP Chairman Mohamed Nasheed and other MDP activists detained after the August 12-14 disturbances, while advising his MDP interlocutors of their party's responsibility to ensure that MDP assemblies remain peaceful. Deputy Foreign Minister Aminath Didi assured the Ambassador that the Government will move quickly to conclude the bilateral agreement on tsunami aid. End summary.

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GAYOOM: EXTENDING ONE "HAND IN FRIENDSHIP" TO ALL PARTIES;  
OTHER HAND COMPILING "DOCUMENTARY" EVIDENCE AGAINST MDP  
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[1](#)2. (SBU) During a September 25-27 visit to Maldives as part of an inaugural US-Maldives Friendship Week (septel), Ambassador held a series of discussions with Government of Republic of Maldives (GORM) representatives, including President Maumoon Abdul Gayoom, and opposition Maldivian Democratic Party (MDP) leaders to discuss the August 12-14 unrest in Male' and its impact on proposed democratic reforms. In all his meetings, the Ambassador noted the many difficult but important changes the GORM was attempting to undertake and emphasized the mutual responsibilities of government (to protect freedoms of speech and assembly) and political parties (to speak and assemble peacefully) in a democracy.

[1](#)3. (C) In his September 26 meeting with Gayoom, the Ambassador expressed gratitude for Gayoom's message of condolence for the victims of Hurricane Katrina and the Maldivian government's gift of USD 25,000. Noting that several significant reforms, including the registration of political parties, had recently occurred, the Ambassador asked Gayoom how he perceived reforms were proceeding. The Special Majlis on constitutional reform (which has spent more than a year just debating rules of procedure) has at last finalized almost all of the rules, Gayoom reported, and should be ready to "begin grappling with the reform agenda" once it reconvenes October 1. With technical assistance provided by constitutional experts from the Commonwealth and India, the Special Majlis might be able to complete review of the proposed amendments by the end of 2006, he said.  
(Comment: This is a far more leisurely time frame than Gayoom originally suggested.)

[1](#)4. (C) The government moved quickly to allow formation of political parties before people even understood what parties are, Gayoom asserted; thus "tensions are only to be

expected." The Ambassador agreed that reform is difficult on all sides; the GORM must foster an atmosphere conducive to responsible political expression, including provision for free speech, while the opposition has a responsibility to demonstrate its dissent in a peaceful and orderly fashion. He noted that Assistant Secretary for South Asian Affairs Christina Rocca, in a taped message played at the Friendship Week reception the night before, had stressed these same themes. The GORM has begun a dialogue with political parties on two important pieces of legislation--one governing the Maldivian Human Rights Commission (MHRC) and the other on the registration of political parties, Gayoom told the Ambassador, "but MDP has refused to come," citing the continued detention of MDP Chairman Mohamed Nasheed as a "pretext." Describing the MDP rebuff as "sad," the President said the GORM "has extended our hand in friendship to all parties" and it was "not reasonable" of the MDP to stay away.

15. (C) Commending the President's offer of dialogue to the MDP, the Ambassador emphasized the need for due process in the trials of Nasheed and other detainees. Nasheed is facing very serious charges, the President replied, for which the Attorney General has compiled extensive "documentary evidence," including 1,000 pages of "inflammatory" speeches and 90 videos of MDP-incited violence. (Comment: Given that the MDP Chairman had only been in Maldives four months at the time of his arrest, that there are 1,000 pages of his speeches available as evidence of sedition is impressive by even the ever-prolix Nasheed's standards. End comment.) The GORM plans to invite a representative of the International Committee of Jurists (ICJ) when Nasheed's trial commences in "a week to ten days," Gayoom said.

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ATTORNEY GENERAL: ENUMERATES REFORMS,  
CONFIDENT OF EVIDENCE AGAINST NASHEED  
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16. (C) In a September 27 meeting with the Ambassador, Attorney General Dr. Hassan Saeed recounted some of the improvements he had recently introduced to the prosecutorial and legal systems. For example, in 2003 97 percent of convictions were based on confessions, he reported. Thanks to his efforts to encourage investigations built on other evidence, that number had dropped to 64 percent over the past year alone. Interrogations of suspects must now be videotaped and conducted in the presence of legal counsel; copies of the videotape are given to the judge and are available to defense counsel upon request. All trials are open to the public, he continued, and the ICJ has been given permission to observe Nasheed's trial. A bail system has been introduced, although Saeed acknowledged inconsistencies in its application. He plans to hold a "seminar" on the proper operation of the system for the relevant authorities soon. He has invited all registered political parties to discussions on pending legislation governing political parties and the MHRC, but (as the President had told the Ambassador the previous day) the MDP had refused to participate. "If they claim to be serious about reform, why can't they participate?" Saeed asked. Finally, he told the Ambassador, he has drafted a "road map" for continued reform which he had presented to the President on September 26.

17. (C) The Ambassador welcomed these initiatives, including the decision to allow ICJ to observe Nasheed's trial, adding that people in Maldives and the international community would be following that process closely. The US takes no position on Nasheed's guilt or innocence, the Ambassador stressed, but is concerned that the trial be conducted fairly and transparently. Nasheed faces very serious charges, including sedition, he observed; the evidence needed to prove such a charge must meet a high standard. The GORM has evidence that proves Nasheed's guilt beyond a reasonable doubt, Saeed rejoined. In the lead-up to the August 12 protest, the AG continued, he had met with several MDP leaders to urge them against public demonstrations and most--with the notable exception of Nasheed--agreed to desist. Nasheed had been determined to get himself arrested since he returned Maldives last April, Saeed asserted, "as a short cut to being a hero." Nasheed now realizes the seriousness of the charges he faces, Saeed said, hinting that he expects a possible breakthrough in the MDP leader's plea that could obviate the need for a trial. When asked how many detainees besides Nasheed will also be charged, Saeed did not provide a precise number, although he noted that of the 23 cases referred to him for prosecution, "some had been sent back" for insufficient evidence.

18. (C) Saeed said that he had warned the President that it was a mistake to legalize political parties without first adequately educating the people about party roles and responsibilities. In retrospect, the Government should take some responsibility for the "failure" of this initiative so far, he told the Ambassador. That said, the MDP's insistence that Gayoom step down is misguided, the AG suggested. If a

new government were to come in, its first priority would be to consolidate its own power and strengthen its position. In contrast, Gayoom, confident in his authority, "is keen to lead reform and strengthen institutions." That is why the reform process must be "government-led at this stage," Saeed explained. MDP should realize that reform is coming, with or without them, he continued. If the party truly wants reform, it should get on board and "be a part of history."

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WHERE'S THE PARTY?:  
REGISTRATION WITHOUT REPRESENTATION  
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9. (C) The Ambassador met a group of MDP leaders, including former SAARC Secretary General Ibrahim Zaki, People's Majlis MPs Ibrahim Ismail and Hassan Afeef, and former UNDP official Dr. Waheed Hassan, at MDP headquarters on September 27. The MDP representatives complained of GORM distortions and misrepresentations, especially to the international community, and expressed overwhelming suspicion of Gayoom's sincerity. To keep Gayoom to his commitments, the international community must play "a stronger role," they asserted, adding that they had demanded third-party international observers, perhaps from the Commonwealth, be present at all MDP discussions with the GORM--including the meetings proposed by the Attorney General on the political parties and MHRC bills.

10. (C) The international community should not be fooled by the "pictures" of so-called reform Gayoom is trotting out, the opposition members cautioned; they may sound good but they have little of real substance. They offered several examples:

--Political parties: The GORM has allowed political parties to register but to do nothing else, they charged. They cited a recent announcement by the Election Commissioner that parties would not be able to run candidates in an upcoming by-election for the Special Majlis. What is the purpose of political parties if not to run in elections, they queried. Moreover, the GORM continues to deny the MDP access to state-run media, they asserted, and uses a combination of intimidation (threats that civil servants will lose their jobs) and bribery (promise of overseas scholarships/exchanges) to recruit membership in Gayoom's party.

--Bail: The investigating officer decides who gets bail and who doesn't--not a judge. Since the investigating officer has always had the prerogative to release a detainee or keep him locked up, how has this improved the situation, they asked.

--Rallies: Political parties, upon application to the Home Affairs Ministry, may obtain permission to hold a rally, but the GORM still gets to choose the venue. MDP "rallies" are largely confined to small school classrooms that cannot accommodate the number of people generally associated with the term "rally," they lamented.

--Independent judiciary: The MDP alleges that the police and National Security Service destroyed party property during the August 12-14 demonstrations, but each of the three courts--Lower, Higher and Supreme--has refused to hear the case.

--Invitations for dialogue: MDP members have taken up these offers in the past, and nothing has ever come of it, they charged. To build up this shattered confidence, the MDP wants the President to offer "an action plan (for reform) with measurable results and a timeline."

11. (C) The Ambassador replied that, in his view, the MDP was overestimating the influence of the international community and underestimating the pressure of Maldivian society. The international community can support the process from the outside, he said, but only Maldivians can make it happen. While ideas on the ideal pace may differ--with the MDP arguing for immediate, dramatic change and those in the GORM seeing the need for more measured process--there is nonetheless broad consensus on both sides that reform must occur, the Ambassador observed. The MDP should not miss the chance for dialogue with the GORM, he argued, especially since many new members of the Cabinet are clearly reform proponents. If this opportunity is missed, there is always the danger that the intense popular desire for change may go the wrong way toward extremism or militancy--which would be bad for all Maldivians, regardless of political persuasion.

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NEW CABINET MEMBERS WITH NEW IDEAS  
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12. (C) In a September 27 meeting with the Ambassador, newly appointed Home Affairs Minister Ahmed Thasmeen Ali lamented

that the August 12-14 disturbances and subsequent spate of arrests "took us away from our reform agenda." Besides introducing appropriate training for the police (which just separated from the National Security Service last year), Ali also has ambitious plans to improve the prison system. He wants to improve training, recruitment and compensation for prison guards to help build up a professional officer corps. As a start, the Australian government has sent a technical advisor who will spend six months at the prison on Mahfushi Island. In addition, Ali has begun a project to improve the physical infrastructure at the prisons. To alleviate overcrowding, he is exploring the possibility of opening separate drug rehabilitation facilities for those convicted only of narcotics possession.

13. (SBU) Atoll Development Minister Mohamed Deen, a former member of the Maldivian Human Rights Commission, told the Ambassador in a separate meeting the same day of his plans to decentralize island administration by having a multi-partisan Island Council, appointed by the local population, that would have authority to tell the centrally-appointed island chief what to do. With the islanders deciding for themselves many of the functions now performed by the Atoll Development bureaucracy. "in two years this ministry shouldn't exist." He is also considering a two-term limit for island chiefs, many of whom have retained that comfortable sinecure for decades; he has "already removed some old island chiefs" from their posts. The key to successful democratic reform, Deen stressed, is appropriate civic education. To help familiarize young Maldivians with democratic precepts and to train the leaders of tomorrow, he hopes to sponsor (in part with his own funds as a resort owner) student exchange programs with high schools in the west.

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TSUNAMI RECONSTRUCTION

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14. (SBU) In a September 27 meeting, Deputy Minister of Foreign Affairs Aminath Didi assured the Ambassador that the MOU on tsunami reconstruction would be signed soon. While the GORM has some minor questions on details in the agreement, she said there is no problem with the general language of the document, and she believes the remaining details can be worked out later. During the meeting with Gayoom the previous day, the President told the Ambassador that reconstruction is proceeding. The GORM has already awarded contracts to seven companies, and construction will continue despite the upcoming Ramadan fast.

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COMMENT

15. (C) Substantial changes are occurring in Maldives--maybe not fast enough or dramatically enough for the MDP and other critics of the Government--but occurring just the same. While there is significant disagreement about Gayoom's motives for introducing reform, he clearly seems determined--or perhaps resigned--to doing so. The MDP should not miss an opportunity to influence and help shape this important process. Nor should the GORM, whether through intimidation, show "trials" of key opposition leaders or repression of legitimate party activities, discourage the MDP from such engagement. The upcoming trial of MDP Chairman Nasheed could prove an important test of the GORM's much-reiterated commitment to due process and freedom of expression.  
LUNSTEAD